

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 3, 1980
9:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Himmelblau, Councilmembers
Cooke, Goodman, Mullen, Snell, Trevino

Absent: None

RESOLUTION TO CHARLES B. GRAVES

Mayor McClellan read a resolution signed by all members of the Council citing Charles B. Graves for his service to the City of Austin since 1972. Mr. Graves has resigned his position as Director of the Engineering Department. He thanked the Mayor and Council for the resolution and expressed his warm thoughts about his years as a City employee.

VOLUNTEER BLOOD DONOR MONTH

Volunteer Blood Donor Month will be observed during the month of January, according to a proclamation read by the Mayor. Mr. John Kemp, Executive Director, Travis County Medical Society, received the proclamation, along with Janice Atkinson, Operations Supervisor, Central Texas Regional Blood Center. Mr. Kemp thanked the Mayor and Council for the proclamation.

ANNOUNCEMENT

Mayor McClellan announced Council will meet in an executive session this afternoon and make board and commission appointments at that time.

MINUTES APPROVED

Councilmember Mullen moved that the Council approve the Minutes for December 13, 1979, December 20, 1979, Special Meetings of December 3, 1979, and December 5, 1979. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

SWIMMING POOL IMPROVEMENTS

Councilmember Mullen moved that the Council adopt a resolution to approve a Change Order in the amount of \$37,535 to Faulkner Construction Company, for Mabel Davis District Park Olympic Swimming Pool Improvements, CAPITAL IMPROVEMENTS PROJECT 75/86-45. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers
Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

AERIAL SURVEY AND MAPPING SERVICES
AGREEMENT

Councilmember Mullen moved that the Council adopt a resolution to approve a supplement, in the amount of \$10,695 to existing aerial survey and mapping services agreement between the City of Austin and International Aerial Mapping Company of San Antonio, Texas. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers
Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

REAPPROVAL OF APPROACH MAIN

Councilmember Mullen moved that the Council adopt a resolution to reapprove the following approach main:

H. T. BRAYER, owner

- Under the 10 percent rule:
On October 4, 1979, the Council approved construction of 12-inch water and wastewater approach main to serve Lakeshore Addition, Lot 35. Original City, cost estimated to be \$15,150.00. New City cost based on low bid received November 27, 1979, estimated to be \$17,724.62.

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

PAYMENT AUTHORIZED

Councilmember Mullen moved that the Council adopt a resolution to authorize payment to the following:

LUMBERMEN'S INVESTMENT CORPORATION	- The cost difference for installation of 12"/8" water and wastewater main in Colony Park Section 1, Phase 4A, Colony Park Section 1, Phase 4B, Colony Park Hills North 19 and Lakeside Hills, Phase 3A - \$30,303.81
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The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

CONTRACT APPROVED

Councilmember Mullen moved that the Council approve the following contract:

CITATION CONSTRUCTION COMPANY 9413 Hunters Trace East Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Rutland Drive Proposed 8-inch wastewater extension - \$17,448.50 C.I.P. No. 73/23-02
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The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor
McClellan, Councilmember Cooke
Noes: None

PUBLIC HEARINGS SET

Councilmember Mullen moved that the Council set the following public hearing:

Public hearing for Commercial Planned Unit Development, called
1000 MoPac, File No. C814-79-010 set for January 31, 1980 at 11:00 a.m.

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

Councilmember Mullen moved that the Council adopt a resolution to set a public hearing for January 24, 1980 at 10:00 A.M. to consider annexation of the following:

535.89 acres of land out of the James Coleman Survey No. 25, William Bell Survey No. 44, L. Lindsey Survey No. 287, Robert Foster Survey No. 43, James Jett Survey No. 1, T. J. Chambers 8 League Grant, and M. D. Williams Survey No. 49, Lakewood Village, Lakewood Park, Section 1, Lakewood Part 3, Lakewood Park, Section 4, Lakewood Part, Section 5, The Courtyard, a portion of Loop 360 and R. M. Highway 2222 and Unplatted land. (Initiated by City of Austin) C7a-79-002

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

Councilmember Mullen moved that the Council adopt a resolution to set a public hearing for January 24, 1980 at 10:00 A.M. to consider annexation of the following:

57.77 acres of land requested by the owner and known as Cat Mountain North Section I Subdivision and Far West Boulevard Street Dedication. C7a-79-019.

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

Councilmember Mullen moved that the Council adopt a resolution to set a public hearing for January 24, 1980 at 10:00 A.M. to consider annexation of the following:

8.57 acres out of the Westward Ho Subdivison. C7a-79-010.

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

Councilmember Mullen moved that the Council set a public hearing for January 17, 1980 at 6:30 P.M. for the following:

An appeal from Ron Brey, Acting Chairman, South Austin Citizen's Advisory Board, of the decision of the Planning Commission to grant a Special Permit to Capitol City Oil Company by Kirk Kuykendall (Case Number C14p-79-050)

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

Councilmember Mullen moved that the Council set a public hearing for January 31, 1980, at 11:15 A.M. on the following:

An appeal from W. Thomas Buckle for John C. Rowlett, of the decision of the Building Standards Commission granting a permit to relocate a house from 3706 Ronson to 904 West 30-1/2 Street.

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

Councilmember Mullen moved that the Council set a public hearing for January 24, 1980 at 11:00 A.M. for the following:

Public hearing to amend Chapter 45 of the Austin City Code to provide limited (non-fixed wing aircraft) landing fields pursuant to special permit.

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

ARCHITECTURAL BARRIER REMOVAL PROGRAM

Councilmember Mullen moved that the Council adopt a resolution to issue a "Request for Proposals" to implement the architectural barrier removal program. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

PURCHASE OF SERVICE INTERIM AGREEMENT

Councilmember Mullen moved that the Council adopt a resolution to enter into a four-month Human Services purchase of service interim agreement, beginning January 1, 1980, with Austin-Travis County MHMR to fund two case-worker positions for the Roving Leader Project in the amount not to exceed \$11,540.00. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

ANNEXATIONS

Mayor McClellan brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 17.22 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES HOWLETT SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time and Councilmember Mullen moved that it be passed to its second reading. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,
Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Councilmembers Trevino, Goodman

The Mayor announced that the ordinance had been passed through first reading only.

Mayor McClellan brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 134.42 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JOHN APPLGAIT SURVEY NUMBER 58 AND PARTLY OUT OF AND A PART OF THE J. C. BROOKS SURVEY NUMBER 53 IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time and Councilmember Mullen moved that it be passed to its second reading. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,
Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Councilmembers Trevino, Goodman

The Mayor announced that the ordinance had been passed through first reading only.

Mayor McClellan brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 61.03 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES HOWLETT SURVEY AND PARTLY OUT OF AND A PART OF THE JAMES D. GOODE SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time and Councilmember Mullen moved that it be passed to its second reading. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,
Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Councilmembers Trevino, Goodman

The Mayor announced that the ordinance had been passed through first reading only.

Mayor McClellan brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 19.05 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES ROGERS SURVEY NUMBER 19 IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time and Councilmember Mullen moved that it be passed to its second reading. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,
Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Councilmembers Trevino, Goodman

The Mayor announced that the ordinance had been passed through its first reading only.

Mayor McClellan brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 42.66 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THOMAS ANDERSON LEAGUE NUMBER 17 IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time and Councilmember Mullen moved that it be passed to its second reading. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,
Mayor McClellan, Councilmember Cooke

Noes: None

Abstain: Councilmembers Trevino, Goodman

The Mayor announced that the ordinance had been passed through first reading only.

PARADE PERMITS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 31-12 OF THE AUSTIN CITY CODE OF 1967 BY AMENDING SECTION (d)(4) OF THE SAID SECTION BY ALLOWING APPLICATIONS TO BE FILED IN EXCESS OF SIXTY DAYS PRIOR TO THE TIME OF PARADE WHEN GOOD CAUSE IS SHOWN; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino,
Mayor McClellan, Councilmembers Cooke, Goodman

Noes: None

The Mayor announced that the ordinance had been finally passed.

MECHANICAL INSPECTOR QUALIFICATIONS

Mayor McClellan brought up the following ordinance for its third reading:

AN ORDINANCE AMENDING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1967 BY ADDING THERETO SECTION 39-310, PROVIDING MECHANICAL INPSECTION QUALIFICATIONS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the third time, and Councilmember Mullen moved that it be finally passed. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmember Mullen, Mayor McClellan, Councilmember Cooke

Noes: Councilmembers Snell, Trevino, Goodman

Mayor McClellan announced that the ordinance had been finally passed.

CIVIL SERVICE CLASSIFICATIONS - POLICE DEPARTMENT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CLASSIFYING CIVIL SERVICE EMPLOYEES OF THE AUSTIN POLICE DEPARTMENT; PRESCRIBING THE NUMBER OF POSITIONS WITHIN EACH CIVIL SERVICE CLASSIFICATION OF THE AUSTIN POLICE DEPARTMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Cooke, Goodman, Mayor McClellan, Councilmembers Mullen, Snell, Trevino

Noes: None

Mayor McClellan announced that the ordinance had been finally passed.

REPEAL OF ANNEXATION

Mayor McClellan introduced the following ordinance:

AN ORDINANCE REPEALING ANNEXATION ORDINANCE NO. 790920-H WHICH WAS ADOPTED WITHOUT THE MANDATORY PUBLISHED NEWSPAPER NOTICE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Cooke, Goodman,
Mayor McClellan, Councilmembers Mullen, Snell, Trevino
Noes: None

Mayor McClellan announced that the ordinance had been finally passed.

ZONING ORDINANCE CORRECTIONS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 790208-F, ENACTED BY THE CITY COUNCIL ON FEBRUARY 8, 1979, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS. (C14-78-235)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Cooke, Goodman,
Mayor McClellan, Councilmembers Mullen, Snell, Trevino
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 761014-K, ENACTED BY THE CITY COUNCIL ON OCTOBER 14, 1976, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE AND BY ADDING A HEIGHT AND AREA DESIGNATION TO SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14h-74-044)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Cooke, Goodman,
Mayor McClellan, Councilmembers Mullen, Snell, Trevino
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780720-N, ENACTED BY THE CITY COUNCIL ON JULY 20, 1978, BY CORRECTING THE USE DESIGNATION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-78-025)

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Cooke, Goodman,
Mayor McClellan, Councilmembers Mullen, Snell, Trevino
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 771110-G, ENACTED BY THE CITY COUNCIL ON NOVEMBER 10, 1977, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE AND BY ADDING A HEIGHT AND AREA DESIGNATION TO SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14h-77-037)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Cooke, Goodman,
Mayor McClellan, Councilmembers Mullen, Snell, Trevino
Noes: None

The Mayor announced that the ordinance had been finally passed.

SITE PLAN APPROVAL FOR ZONING CASE

Mayor McClellan introduced the following ordinance:

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance, The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Cooke, Goodman,
Mayor McClellan, Councilmembers Mullen, Snell, Trevino
Noes: None

The Mayor announced that the ordinance had been finally passed.
Zoning Case No. C14-79-151

ZONING ORDINANCES

Mayor McClellan brought up the following ordinance for its second reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

THE EAST 200 FEET OF A 2.32 ACRE TRACT OF LAND, LOCALLY KNOWN AS 13804 RESEARCH BOULEVARD, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, WILLIAMSON COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (H. E. Butt Grocery Company, C14-79-199)

The ordinance was read the second time and Councilmember Mullen moved that it be passed to its third reading. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: Councilmember Cooke, Mayor Pro Tem Himmelblau
Abstain: Councilmember Goodman

The Mayor announced that the ordinance had been passed through its second reading only.

Mayor McClellan brought up the following ordinance for its first reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

THE NORTH 258 FEET OF A 1.929 ACRE TRACT OF LAND, SAVE AND EXCEPT A 10 FOOT STRIP OF LAND ON THE WEST WHICH WILL REMAIN ZONED "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND A 5 FOOT RIGHT-OF-WAY ON THE EAST ALONG SHADY LANE WHICH WILL REMAIN ZONED "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Rudolfo Barrera, C14-79-105)

The ordinance was read the first time, and Councilmember Mullen moved that it be passed to its second reading. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Mayor Pro Tem Himmelblau, Councilmembers Trevino, Goodman

The Mayor announced that the ordinance had been passed through first reading only.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

AN 18 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS A PORTION OF 1806 RIO GRANDE, FROM "O" OFFICE, SECOND HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Robinson, Felts and Starnes, C14-79-225)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Trevino,
Mayor McClellan, Councilmember Cooke

Noes: None

Abstain: Councilmembers Snell, Goodman

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: LOT 5, OUTLOT I, DIVISION Z, WOODLAND ADDITION, SAVE AND EXCEPT A FOUR SQUARE FOOT TRACT OF LAND, FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A FOUR SQUARE FOOT TRACT OF LAND, FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 1411 WEST 6TH STREET; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Coleen Beck, C14-79-200)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino,
Mayor McClellan, Councilmembers Cooke, Goodman

Noes: None

The Mayor announced that the ordinance had been finally passed as an emergency measure.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: A 0.47 ACRE TRACT OF LAND, MORE OR LESS, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 225 SQUARE FOOT TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 13441 RANCH ROAD 620; SAID PROPERTY BEING LOCATED IN AUSTIN, WILLIAMSON COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Wayne Laymon, C14-79-208)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

P. H. Ave
C14-79-208
T. H. H.
Stout 3-11
E. H. H.

PLANNING COMMISSION REPORTS

Extension of Lake Austin Interim Ordinance

Mr. Lillie, Director of Planning presented the following Planning Commission Report on Extension of Lake Austin Interim Ordinance. "The City Council adopted an ordinance to implement guidelines set out in the Lake Austin Growth Management Plan. That ordinance, by Council action, had a two-year life to it which terminates January 5, 1980. The Planning Commission has submitted a recommendation to Council that the ordinance be extended another year and in effect that the ordinance be looked at annually. During the summer the Commission sent Council the first annual report of activity under the ordinance and also submitted recommendations that amended portions of the ordinance that the Commission and engineers and surveyors of the City were having some problems with and some clarifications were made in the ordinance by fall of 1979. The recommendation of the Commission is that we extend it at least for another year and allow the ordinance to gain more experience and for the City to gain more experience under it."

Mayor Pro Tem Himmelblau said she realizes there really has not been enough building in the area to really test it, but could see no reason why it cannot be adopted as an ordinance. It can be monitored. Mr. Lillie said the Commission is also preparing a recommendation to the Council on the plan itself.

Councilmember Mullen stated, "I would like to suggest an amendment to the ordinance. Staff recommended we exclude sidewalks for impervious cover. For some reason we glossed over that and forgot about it and is part of what we need for subdivisions. I think we should include the exemption of sidewalks as impervious cover."

Exemption to Ordinance

The Council unanimously consented to include the exemption of sidewalks as impervious cover.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 29 OF THE AUSTIN CITY CODE OF 1967; DECLARING CERTAIN FINDINGS OF FACT; ADDING A DEFINITION OF LAKE AUSTIN WATERSHED; AMENDING SECTION 29-3.1 TO APPLY TO LAKE AUSTIN WATERSHED SPECIAL DEVELOPMENT PERMIT AND APPROVAL; PROVIDING FOR APPLICATIONS FOR DEVELOPMENT PERMITS AND CONTENTS OF SAME; PROVIDING FOR PLANS AND SPECIFICATIONS TO BEAR SEAL AND CERTIFICATE OF A TEXAS PROFESSIONAL ENGINEER; PROVIDING STANDARDS FOR APPROVAL OF DEVELOPMENT PERMITS; PROVIDING FOR VARIANCES; PROVIDING REASONS FOR DENIAL OF DEVELOPMENT PERMIT TO BE STATED; PROVIDING FOR APPEALS; PROVIDING FOR PERMIT FEES; PROVIDING FOR A CERTIFICATE OF OCCUPANCY; PROVIDING A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Councilmember Goodman, Mayor Pro Tem Himmelblau

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF THE CITY OF AUSTIN, 1967;
DECLARING CERTAIN FINDINGS OF FACT; PROVIDING STANDARDS FOR DEVELOPMENT OF LAND
LOCATED WITHIN THE WATERSHED OF LAKE AUSTIN DESCRIBED BY THE RESOURCE MAPS OF
THE LAKE AUSTIN GROWTH MANAGEMENT PLAN; EXEMPTING CERTAIN PLANNED UNIT
DEVELOPMENTS FROM THE REQUIREMENTS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY;
SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS;
AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Himmelblau moved that the Council waive the requirement
for three readings, declare an emergency and finally pass the ordinance. The
motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Councilmember Goodman, Mayor Pro Tem Himmelblau

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

F. M. 1325 AREA STUDY

Mr. Lillie reviewed the summary and conclusions of the F.M. Area Study
which were as follows:

Conclusions

1. Timing and spatial distribution patterns of development are the elements most susceptible to control by the City's current purview and legal authority.
2. Zoning and subdivision policies should encourage land use patterns which promote safety, convenience, compatibility, not contributing to traffic hazards or detracting from or conflicting with more restrictive adjacent uses.
3. The impact of the high proportion of industrial development is manifest by market forces which create an unusually rapid and intense rate of development and should continue in response to the existing market situation.
4. Continuing development will increase traffic volumes and congestion and high priority must be placed on upgrading F.M. 1325.
5. Commercial, residential and industrial development should coincide with traffic safety and capacity improvements on F.M. 1325.

Recommendations

The following recommendations are designed to help mitigate existing problems and provide measures to prevent future problems.

1. Upgrade F.M. 1325 (between U. S. 183 and I. H. 35) to expressway status.
 - a. Construction of 3 traffic lanes in each direction
 - b. Grade-separations at Loop 360, Parmer Lane, I.H. 35, Rundberg Lane and Braker Lane
 - c. Deceleration and acceleration lanes where warranted
 - d. Additional right-of-way for interchanges with Loop 360, Parmer Lane and I.H. 35
 - e. Overpasses at Rundberg Lane and Braker Lane
2. New road construction
 - a. Extend Braker Lane to U.S. 183
 - b. Extend Parmer Lane to F.M. 620
 - c. Extend Rundberg Lane to Springdale Road on the east and F.M. 1325 on the west
 - d. Extend Loop 360 to Burnet Road
3. Adhere to the Annexation Plan schedule on annexation of Areas 5, 8, and 9 in 1979 and 1980. Due to the increase of industrial activity periodic review of Annexation Areas 4 and 6 should be undertaken to assure adequate land-use controls in the study area.
4. Establish a Roadway Overlay Zone with the following ordinance required provisions: A site plan shall be required with any zoning or subdivision application showing the same information as outlined in Sec. 45-29(c) of the Zoning Ordinance. Following requirements must additionally be complied with:
 - a. A landscaped transitional zone in any "BB" Residence or less restrictive use district abutting "A" Residence or more restrictive use district. The table below outlines the recommended widths for the various use districts.

<u>Use Districts</u>	<u>Minimum Width</u>
BB	10 feet
B, O	15 feet
LR, GR, C, C-1, C-2	25 feet
DL or less restrictive	50 feet

- b. Landscape provisions which are currently under review by City Council to include the following major elements:
 - (1) all tracts previously unsubdivided or unzoned must landscape ten percent (10%) of the area between the front wall of the building and the front property line;

- (2) a credit of 150 percent is given where all the landscaping is provided between the building setback line and the street line;
- (3) under no condition would the landscape area exceed an area equal to the street frontage of the property times twenty (20) feet; and
- (4) land used for parking purposes only shall assume for landscape computation purposes, that the rear lot line is the front wall of a building; and
- (5) land previously subdivided and zoned, but undeveloped must provide five percent (5%) landscaping rather than ten percent (10%).

These provisions will be superceded upon adoption of a landscape ordinance.

- c. Zoning in the Roadway Overlay Zone should be rolled back to the most restrictive zoning category consistent with the actual use of a property or to "A" Residence if undeveloped. This provision is to be effective one year after a zoning change is granted on any property in the Roadway Overlay Zone. Rollback of zoning is subject to notice and public hearing provisions outlined in Section 45-14.
- d. The distance between driveways along F.M. 1325 shall be a minimum of 200 feet to minimize traffic conflict points.
- e. Due to the lack of frontage roads, right turn lanes shall be provided at the developer's expense at the time of development at each driveway with average daily volumes of more than 1,000 vehicles entering and exiting and an average inbound peak hour volume of 50 right turns or more. A continuous right turn lane should be provided for adjacent properties when it is anticipated that 20 percent of the directional average daily traffic volume per mile makes right turns. Parcels with a common access easement must have a minimum lot depth of 150 feet.
- f. No access from F.M. 1325 shall be provided to properties on the west side of F.M. 1325 between Parmer and Howard Lanes, due to the railroad tracks which run parallel to the road. These properties shall have access from local streets only.
- g. A Traffic Impact Analysis (T.I.A.) shall be required with any zoning or subdivision application and must be submitted by the applicant concurrent with the site plan. These items shall be included:
 - (1) A description of the relationship of the proposed development to the existing transportation network.

- (2) Average daily traffic and peak hour traffic anticipated to be generated by the development.
- (3) Distribution of vehicle trips onto the road network, both existing and proposed, including:
 - (i) Anticipated automobile trips during peak and off-peak hours; and
 - (ii) Anticipated trips by modes of transportation other than the automobile during peak and off-peak hours.
 - (iii) Methodologies and assumptions used to project future traffic generation and trip distribution. Projections should be consistent with recent traffic patterns within the Roadway Overlay Zone.
 - (iv) Any transit measures proposed to reduce automobile traffic on principal arterial roadways.
 - (v) Any other measures or special features of the proposed development which would reduce automobile travel, improve traffic flow, and/or enhance traffic safety on principle arterial roadways.

Proposed development should maintain or improve the existing traffic flow and level of service along the designated principle arterial roadway, and should act to maintain or enhance traffic safety. The Transportation Impact Analysis will be reviewed by the Urban Transportation Department, which shall submit its comments to the Planning Commission as well as a traffic recommendation regarding the proposed development.

In addition to the above mentioned recommendations, steps to implement the following actions can be taken immediately:

1. "LR" and more permissive zoning shall be considered for parcels along F.M. 1325 only if located within 500 feet of a major intersection. Any parcel beyond 500 feet and fronting F.M. 1325 shall only be considered for "O" and more restrictive zoning. A major intersection is the intersection of a designated principle arterial with another principle arterial.
2. Where existing driveways along F.M. 1325 pose traffic safety problems, the City shall upgrade or close such driveways.

ADDENDA (F.M. 1325 Area Study)

Reference to Recommendations No. 4c

Zoning in the Roadway Overlay Zone should be rolled back to the most restrictive zoning category consistent with the actual use of a property or to "A" Residence if undeveloped. This provision is to be effective two (2) years after a zoning change is granted on any property in the Roadway Overlay Zone. A one-year extension may be granted by the Planning Commission.

Reference to Recommendations No. 4h

New industries will be subject to a Planned Development Area agreement to assure controls over factors which will have an impact on the surrounding properties.

Councilmember Cooke said, "It appears this will not help the school situation at all. We are building schools in the area where we already have schools and we are creating a problem more. Is that right?" Mr. Lillie said that the response in the report from the School District are plans they have for facilities in the area, including schools in Round Rock and Pflugerville. He continued that growth will continue on that corridor and the School Districts are responding to the forecast for that growth in saying we have a need to build another school within the area, of whatever type. Whether it helps it or not, the growth is going to occur out there. The report before Council today, Mr. Lillie stated, only concerns land use and traffic on 1325. Mayor McClellan said her concern is traffic and safety and does not think that what they do or do not do will impact the school situation. Mayor Pro Tem Himmelblau said that 1325 is becoming more and more like 183 with traffic lights, etc., out there. She asked if the same consideration (a report) could be given to 360. Mr. Lillie told her the report is already begun and it will be ready in 90 days.

Councilmember Cooke said he is concerned with the suggestion "that we take large tracts along this area and allow the ownership or the developer to come in with planned unit development. My hesitation there is I feel that's no different than strip zoning the whole thing potentially. I am not sure I'm ready to just consider allowing large tracts to come in under "GR" zoning that are 500 feet from a major intersection. I really feel that is a potential liability that makes the study almost useless because you are basically saying here are all the good things that we want to address on 1325, but...we would also like to have this option. I would feel more comfortable if I could see the Robinson tract, or if I could see what potential plans there might be, but not knowing that, it leaves it wide open. I think the reason we started this whole study was to mitigate the traffic problem, avoid strip zoning, and this particular suggestion for consideration, while I realize the suggestion is to try to provide maximum flexibility for the Council, Planning Commission and those people that would like to come in with planned unit developments that would possibly...maybe the thrust of your comments would be industrial, but secondarily, they could be "GR," "C-2," whatever. I don't have any objections to these, unless it's what it's going to be all the way from Parmer Lane to IH 35 and that potential could exist by your suggestion because the acreage and ownerships are still large."

Mr. Lillie asked if Council could act on the report today, deleting that section.

Motion

Councilmember Goodman made a motion to approve the 1325 Area Study excluding policy on large tracts under one ownership. The motion was seconded by Councilmember Cooke.

Friendly Amendment

Councilmember Cooke offered a friendly amendment that Council receive additional recommendation from the Planning Department on the plans for intersections. Councilmember Goodman accepted the friendly amendment. (Report is to come back in 4-6 weeks.)

Roll Call on Motion with Friendly Amendment

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmember Mullen
Noes: None

NOTE: Following is the recommendation referred to in the motion. Underlined portion is part which was excluded in the motion:

"LR" and more permissive zoning shall be considered for parcels along F.M. 1325 only if located within 500 feet of a major intersection. Any parcel beyond 500 feet and fronting F.M. 1325 shall only be considered for "O" and more restrictive zoning. A major intersection is the intersection of a designated principle arterial with another principle arterial. The Planning Commission and Council shall have the authority to exercise some discretion on this policy on large tracts, which are under one ownership and which are submitted with a development plan for the total tract.

ZONING HEARINGS

Mayor McClellan announced Council would hear zoning cases scheduled for 10:00 A.M. Pursuant to published notice thereof the following zoning cases were publicly heard:

CITY OF AUSTIN	2400-2802 and 2904-3014	From Interim "A" Residence
By Planning Department	and 5501-7209 Northeast Drive	1st Height and Area
C14-79-253	6900-7402 and 6901-7321	To "A" Residence and
	Geneva Drive	"AA" Residence
	7300-7500 and 7301-7501	1st Height and Area
	Charlton Drive	RECOMMENDED by the Planning
	6500-6512 Arnold Drive	Commission
	3100-3402 Carol Ann Drive	
	2300-3508, 2301-2737 and 3001-3409 Loyola Lane	
	6700-7404 and 6701-7401 Langston Drive	
	2900-3504 and 2901-3505 Susquehanna Lane	
	3200-3504 and 3201-3507 Rockhurst Lane	
	6800-6812 and 7000-7124 Manor Road	
	6700-7300 and 6701-7101 Dubuque Lane	
	3000-3112 and 3001-3115 Lynridge Drive	
	3000-3112 and 3001-3113 Val Drive	
	(continued)	

7500-7706 Ed Bluestein Boulevard and all of the following streets: Bucknell Drive, Kings Point, Middlebury Cove, Kings Point West, Blinn Circle, Syracuse Cove, Hartnell Drive, Hanover Lane, Marywood Circle, Vassar Drive, Geneva Circle, LaSalle Drive, Meadowood Drive, Tulsa Cove, Meadowood Cove, Lakeside Drive, Fred Morse Drive, Betty Cook Drive, Burnell Drive, Lakeside Trace, Cal Cove, Auburnhill, Bryn Mawr Drive, Auburndale, Bryn Mawr Cove, Williamette Drive, Wake Forest Lane, Bradley Drive, Tampa Cove, Dunbarton Drive, Tulane Drive, Drexel Drive, De Paul Drive, Vanderbilt Circle, Millikin Cove, Stevens Cove, Lehigh Drive, Creighton Lane, Roanoak Drive, Akron Cove, Citidal Cove, Colby Cove.

The above are zoned "AA."

2804-2902 Northeast Drive, 6900-6910 Manor Road, 3507 Susquehanna Lane, 3506 and 3509 Rockhurst Lane. 7400-7401-7402 Geneva Drive

The above are zoned "A."

Mayor Pro Tem Himmelblau moved that the Council grant "A" Residence, 1st Height and Area District, and "AA" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell
Noes: None

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, and "AA" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

Z INVESTMENTS
By Brian Jackson
C14-79-256

2023 East Riverside
Drive

From "GR" General Retail
1st Height and Area
To "C-1" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission

Mayor Pro Tem Himmelblau moved that the Council grant "C-1" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

Mayor McClellan introduced the following ordinance as an emergency measure:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 1,260 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2023 EAST RIVERSIDE DRIVE, FROM "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Z Investments, C14-79-256)

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell
Noes: None

The Mayor announced that the ordinance had been finally passed as an emergency measure.

WILLIAM D. BENSON, 910 West Avenue
TRUSTEE 801-803 West 10th
C14-79-257 Street

From "B" Residence
2nd Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission

Mayor Pro Tem Himmelblau moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

MRS. MAXI O.
WILLIAMS
By Alston Boyd
C14-79-266

1511 West 6th Street

From "B" Residence
2nd Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission

Mayor Pro Tem Himmelblau moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke,
Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

IRL ALLISON, JR.
AND LUCILLE A.
OCKEY
By Charles Marsh
C14-79-252

412 West Alpine Road

From "A" Residence
1st Height and Area
To "BB" Residence
1st Height and Area as
amended
RECOMMENDED by the Planning
Commission subject to a site
plan to include a minimum of
25 feet of landscape buffer
in the rear as volunteered by
applicant.

Councilmember Cooke moved that the Council grant "BB" Residence, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem
Himmelblau, Councilmembers Mullen, Snell, Trevino
Noes: None

The Mayor announced that the change had been granted to "BB" Residence, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

FRANK YI
By Edd Ogden
C14-79-268

9827 Highway 183

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission subject to the
recommendations of the 183
study.

Councilmember Cooke moved that the Council grant "GR" General Retail, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino

Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

EDWARD R. RATH-
GEBER, JR.
C14-79-249

6902-6912 South 1st
Street
6915-6917 Castlekeep
Way

From Interim "AA" Residence
1st Height and Area
To "A" Residence
1st Height and Area
NOT Recommended

RECOMMENDED by the Planning Commission
"AA" Residence on those lots on Castle-
keep Way and "A" on those lots fronting
South First Street.

Councilmember Cooke moved that the Council grant "AA" Residence, 1st Height and Area District on those lots on Castlekeep Way and "A" Residence, 1st Height and Area District, on those lots fronting South First Street, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmember Snell, Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmembers Mullen,
Trevino

The Mayor announced that the change had been granted to "AA" Residence, 1st Height and Area District on those lots on Castlekeep Way and "A" Residence, 1st Height and Area District on those lots fronting South First Street, and the City Attorney was instructed to draw the necessary ordinance to cover.

GLEN HAMILTON
C14-79-229

416 West Alpine

From "A" Residence
1st Height and Area
To "BB" Residence
1st Height and Area
RECOMMENDED (as amended) by
the Planning Commission

Mr. Lillie reviewed the application by use of slides. Mayor Pro Tem Himmelblau inquired about the density and whether Alpine will be widened. Mr. Lillie told her the density is 20 units per acre, and that Alpine is not being widened.

Mayor Pro Tem Himmelblau moved that the Council grant "BB" Residence, 1st Height and Area District, as amended, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau
Noes: None

The Mayor announced that the change had been granted to "BB" Residence, 1st Height and Area District, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

UNIVERSITY OF TEXAS 10901 Research Boulevard
By David W. Gray
C14-79-267

From Interim "AA" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area
RECOMMENDED (as amended)

The part of the recommendation in parenthesis was deleted as it was not a part of the Planning Commission's recommendation.

by the Planning Commission, subject to a site plan and all recommendations of the 183 study (and that applicant volunteer this piece of property be placed on the City tax rolls.)

Mr. Lillie reviewed the application by use of slides. He said, "I do want to suggest to Council that as part of the recommendation of the Commission has shown on your agenda, 'and that applicant volunteer this piece of property be placed on the City tax rolls,' should be deleted from the agenda. While it was discussed at the Commission meeting, there was satisfactory explanation from the applicant to the Commission, and this should not have been made a part of the Commission's recommendation." Councilmember Cooke thought this could be zoned "O" Office with a Special Permit and this would fulfill the applicant's requirement for usage as a drive-in bank. MR. TOM CURTIS, representing the applicant, suggested passage of "LR" Local Retail, with a roll-back covenant. Mr. Lillie said, "The Commission has approved the site plan and it's just a matter of making sure it meets the 183 study before we release it. At the time of release the ordinance would be prepared for "LR" Local Retail, and at that time a building permit could be issued. If at that time we receive a letter from the applicant, requesting a roll-back, we would then initiate a new zoning

case at their request with roll back from "LR" Local Retail, to "O" Office. Otherwise you could zone it "O" Office today and they would have to file a special permit and go through that process which takes about 6 weeks and then the ordinance can be prepared and a permit issued, which would probably be by the end of February." The applicant was asked if he would be agreeable. Mr. Curtis answered, "Yes," if they can accomplish their purpose, they will accommodate "O" Office on the zoning map. Councilmember Cooke said that would be acceptable to him.

Motion

Councilmember Cooke moved that the Council grant "LR" Local Retail, 1st Height and Area District, as amended, subject to a site plan and all recommendations of the 183 study, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Snell

Noes: Councilmember Mullen

Abstain: Mayor Pro Tem Himmelblau

Motion to Reconsider

Mayor Pro Tem Himmelblau moved that the Council reconsider the motion in order to discuss the tax roll problem. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

Mayor Pro Tem Himmelblau stated, "I think that any time you have property that is not effected by taxes, it gives your competition in the area an unfair advantage, plus I think it is a dis-service to the City of Austin for the University of Texas to have land out in the areas the City has provided services to and we will not be receiving any remuneration." Tom Curtis returned to the podium to state, "Because banks are taxed unlike anybody else, the City is going to get tax revenue. The way it works the City assesses a tax on the fair market value of the shares of the stock outstanding. From that a credit is given equal to the amount of tax on the buildings and the land owned by the bank. So the City will be getting its tax off of the stock of the corporation anyway. So you are going to be getting tax dollars. In fact, if this land went on the tax roll, since the bank doesn't own the land, it wouldn't be permitted to take a credit and we would be paying double tax, more than our obligation. As it is, we will be paying exactly the same thing because you pay your taxes on the value of your stock."

Motion

Councilmember Cooke moved that the Council grant "LR" Local Retail, 1st Height and Area District, as amended, as recommended by the Planning Commission, subject to a site plan and all recommendations of the 183 study. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino, Mayor McClellan
Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area District, as amended, subject to a site plan and all recommendations of the 183 study, and the City Attorney was instructed to draw the necessary ordinance to cover.

RUTHIE JEON
ALEXANDER
By Joy Bailey
C14-79-248

7711 Brodie Lane also
bounded by Blumie Road

From Interim "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "A" Residence, 1st
Height and Area

Mr. Lillie reviewed the application by use of slides. MS. JOY BAILEY representing the applicant, said that Ms. Alexander has a restaurant on the site and has paid 10-1/2 times the taxes that those living behind her pay, so the City has long considered the land commercial. She has on-site liquor license so needs "GR" General Retail to make the restaurant a conforming use. Mayor Pro Tem Himmelblau asked how long it has been since the property was annexed. Mr. Lillie told her about ten years.

Motion - Failed

Mayor Pro Tem Himmelblau moved that the Council deny the request for "GR" zoning. The motion, seconded by Councilmember Mullen, failed to carry by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmember Mullen
Noes: Councilmembers Goodman, Snell, Trevino, Mayor McClellan,
Councilmember Cooke

Motion

Councilmember Snell moved that the Council grant "GR" General Retail, 1st Height and Area District, subject to 5 feet of right-of-way. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman
Noes: Mayor Pro Tem Himmelblau, Councilmember Mullen

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, subject to 5 feet of right-of-way, and the City Attorney was instructed to draw the necessary ordinance to cover.



**PROPOSED
CHANGE**

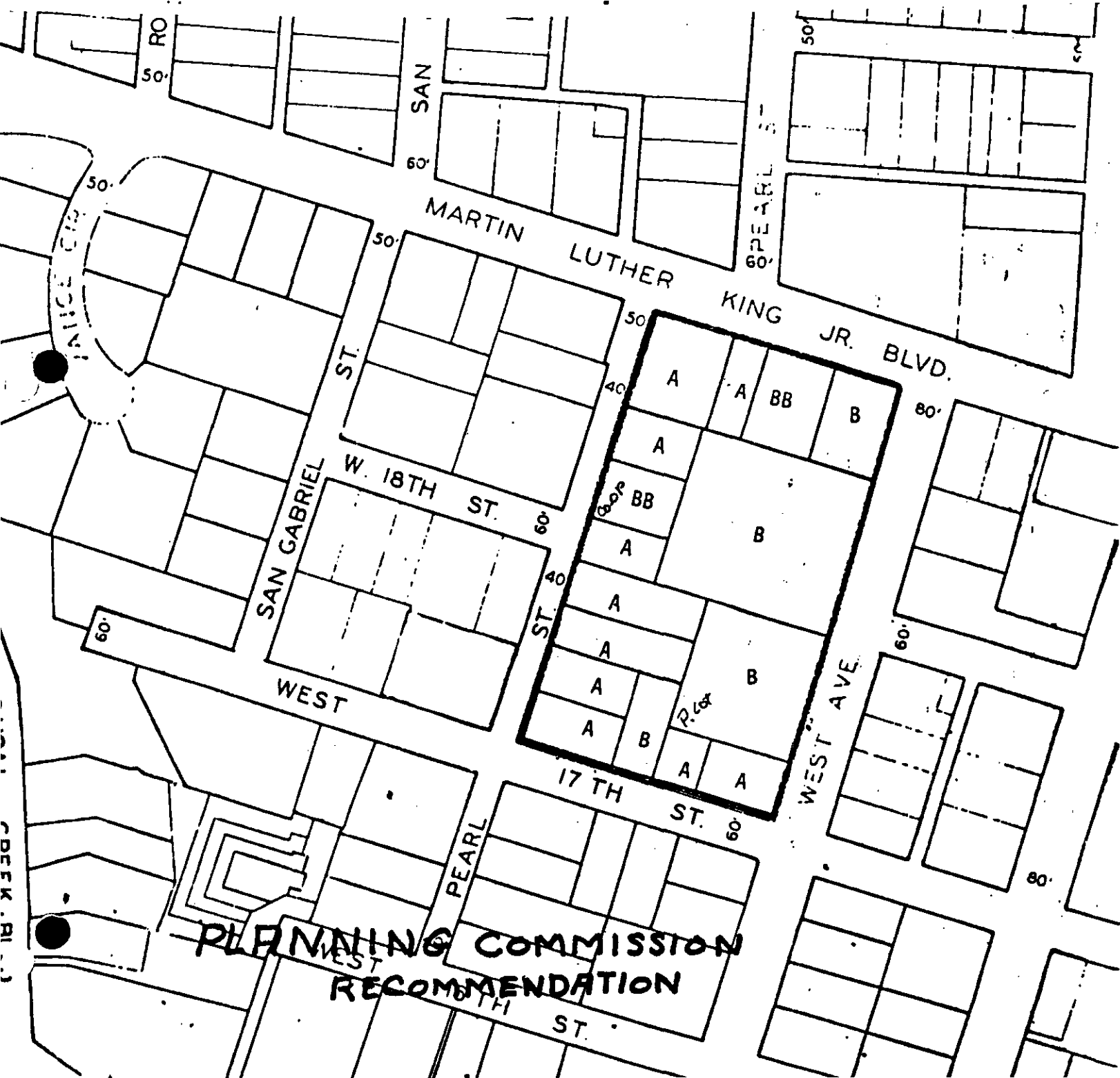


NORTH

FILE NO. C/4-79-270

The staff recommends to grant A, 1st H&A, on those properties for which the owners have agreed and for those whose uses are permitted under A; to grant BB, 1st H&A, on those parcels for which this zoning is required; and to allow B, 1st H&A, to remain for that property for which the projected development requires this zoning use classification. The remaining tracts on which B uses presently exist should not be considered for more restrictive zoning. See map for above described zoning.

ZONING CASE FOR THIS MAP IS ON FOLLOWING PAGE



CITY OF AUSTIN
By Planning Department
C14-79-270

Bounded to the north by
Martin Luther King, Jr.
Boulevard, to the south by
West 17th Street, to the
east by West Avenue and to
west by Pearl Street

From "B" Residence
1st Height and Area
To "A" Residence
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission (See map on previous
page for Planning Commission
Recommendation)

Mr. Lillie reviewed the application by use of slides. SUZANNE CANNON appeared and expressed concern about what would happen to the Coop area if the house is torn down and it is still "BB" Residence. She reviewed what could happen if the proposed changes are approved. She thought Council could think of a creative way to handle the property. RUTH WILLIAMS appeared and, as a resident of the area, asked for Council's protection. MRS. PERRY JONES said they are in a back wash of traffic and cannot take more traffic. A man who did not identify himself spoke of the institution run by Father McCabe. BOB RUSSELL who works for the coop in question said he supports the neighborhood group in their wish to control traffic. PEGGY HAWTHORNE, who lives in the area, spoke against change. MIKE ELFANT, who lives in the co-op, supported keeping the area quiet and residential. F. A. MADISON spoke against the possibility of allowing condominiums. BILL SCARBROUGH said he favors a zoning roll back. TOM CURTIS, representing MR. and MRS. GANNAWAY on 17th, supported the staff and Planning Commission's recommendation for "B" Residence. WROE OWENS, representing the owners of Lantana and the parking lot, asked that zoning of their property be left as it is. There was some discussion among Council.

Councilmember Goodman moved that the Council grant "A" Residence, "BB" Residence, and "B" Residence, 1st Height and Area District, as recommended by the Planning Commission, and in addition the Co-op roll back to "A" Residence, and 10 feet south and west of Parking Lot be zoned "A" Residence. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau
Noes: None

The Mayor announced that the change had been granted to "A" Residence, "BB" Residence, and "B" Residence, 1st Height and Area District, and in addition the Co-op roll back to "A" Residence, and 10 feet south and west of parking lot be zoned "A" Residence, and the City Attorney was instructed to draw the necessary ordinance to cover.

ROBERT D. BENSON
C14-79-261

1502 West 6th Street

From "B" Residence
2nd Height and Area
To "O" Office
1st Height and Area
NOT Recommended by the
Planning Commission

Mr. Lillie reviewed the application by use of slides. ROBERT SNEED, representing the applicant, reminded Council that they have changed zoning in the area nine times from "A" to "O" Office. He said the street is no longer residential, and there are 20,000 cars a day which pass the site in question. He said the "O" Office zoning protects the houses because they are restored and used for offices, thereby protecting the residential areas adjoining. He submitted he had 37 letters in support of the application, and presented a petition of 12 property owners within 200 feet who are in favor of "O" Office.

Motion

Mayor Pro Tem Himmelblau moved that the Council grant "O" Office, 1st Height and Area District. The motion was seconded by Councilmember Trevino.

MR. TANIGUCHI appeared and said the adaptive use of existing residences to "O" Office is good for the neighborhood. LINDA CANTILLOSI, 606 Oakland, spoke against the zoning because she bought the property recently and thought it would be a solid residential area. The Mayor told her she thought there had to be mixed uses in the downtown section if the City hoped to maintain preservation of historical areas. MARY OGDEN said she wants "O" Office because there is no way an owner of property in the area, such as she is, can fix houses and get enough rent to compensate for the amount of money it takes to remodel the houses. BRYAN STANSON, 1802 West 6th, stated the area is not residential and there is a high traffic count. ROBERT WALL, 1412 West 6-1/2 Street, spoke against the "O" Office zoning. He said the neighborhood should remain residential. ALLEN WEIS, a real estate appraiser, spoke in support of a change to "O" Office. GEORGIA LEGGETT told Council the only feasible use of property on West 6th is "O" Office. EDEN BOX told Council that the key to the whole area in order to preserve it is mixed use. A woman who did not identify herself spoke against the change. She said there should be homeowners around in order to protect the area after 5 p.m. Robert Sneed returned to summarize the presentation by saying "O" Office would be the most benefit to Austin.

Roll Call on Motion

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmember
Cooke, Mayor Pro Tem Himmelblau, Councilmember Mullen
Noes: Councilmember Goodman

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

January 3, 1980

BRYAN STEANSON
By David Brunovsky
C14-79-264

1802 West 6th Street

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
NOT Recommended by the
Planning Commission

Mr. Lillie reviewed the application by use of slides. David Brunovsky, who is purchasing the house, spoke in favor of the zoning change. He wants to use it for an office and said there is more than enough room in the rear for parking. He said all the surrounding land owners favor the change. EUGENE JARMIN, an attorney representing Mr. Brunovsky, said that the only neighbors against the change are those who live off of 6th Street. The house in question is right next to the access to MoPac. GEORGIA LEGGETT appeared to say the area would be improved by office conversion of the old houses. BRYAN STEANSON expressed his approval of the zoning change. ROBERT BAKER stated the only way the residential character of the area can be maintained is to zone "O" Office usage to fix houses. ALLAN TANAGUCHI appeared and expressed his approval of the zoning change.

Councilmember Cooke moved that the Council grant "O" Office, 1st Height and Area District, with a restrictive covenant that access will be by alley only. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Mullen, Snell

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Himmelblau

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

Zoning Postponed

FIRST WISCONSIN
NATIONAL BANK OF
MILWAUKEE
By Laurence Jordan
C14-79-258

2508-2510 East Riverside
Drive
1910 Pleasant Valley Road

From "GR" General Retail
1st Height and Area
To "C" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission subject to ordinance require-
ments and subject to a restrictive cove-
nant as offered by the applicant with the
revised site plan that shows a continuous
building with at least three feet of
landscaping on the Riverside Drive side
of the building.

Mr. Lillie reviewed the application by use of slides. He said the proposed usage is mini warehouses. Mayor Pro Tem Himmelblau said this would set a precedent to grant "C" Commercial as there are none now on Riverside. Mr. Lillie said the staff's recommendation was not to grant "C." Councilmember Goodman thought it would be appropriate to change the ordinance in order to allow mini warehouses in "GR" General Retail since these do not attract large trucks and very little traffic.

Motion

Councilmember Goodman moved that the Council deny "C" Commercial, and request the Planning Department and Planning Commission to consider the requirements so mini warehouses can be approved under "GR" General Retail with approval of a site plan. The motion was seconded by Councilmember Cooke

Friendly Amendment

Mayor McClellan offered a friendly amendment to postpone decision on the zoning for 60 to 90 days and request the Planning Department and Planning Commission to consider requirements for mini-warehouses for a change in the ordinance. Councilmember Goodman accepted the friendly amendment.

Roll Call on Motion with Friendly Amendment

Roll call on the motion with friendly amendment to postpone decision 60 to 90 days until there is a change in the ordinance, showed the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmember Mullen
Noes: None

Zonings Denied

ROBERT L. TOCKER	1211, 1209 and 1207	From "A" Residence
AND BARBARA	West 22nd Street, also	1st Height and Area
TOCKER	bounded by Cliff Street	To "BB" Residence
By Ted Buchanan		1st Height and Area
C14-79-255		NOT Recommended by the
		Planning Commission

Councilmember Cooke moved that the Council uphold the recommendation of the Planning Commission and DENY the zoning change. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers
Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the zoning case had been DENIED.

AUSTIN LOS CUATROS
By John S. Lloyd
C14-79-254

900 West 17th Street,
also bounded by Pearl
Street

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
NOT Recommended by the
Planning Commission

Councilmember Trevino moved that the Council uphold the decision of the Planning Commission and DENY the zoning change. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,
Trevino, Mayor McClellan, Councilmembers Cooke, Goodman
Noes: None

The Mayor announced that the zoning change had been DENIED.

THOMSON HOUSE
By John Lloyd
C14h-79-017

900 West 17th Street

From "A" Residence
1st Height and Area
To "O-H" Office-Historic
1st Height and Area
NOT Recommended by the
Planning Commission

Councilmember Trevino moved that the Council uphold the decision of the Planning Commission and DENY the zoning change. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,
Trevino, Mayor McClellan, Councilmembers Cooke, Goodman
Noes: None

The Mayor announced that the zoning change had been DENIED.

RECESS

Council recessed its meeting at 12:15 p.m. and resumed its recessed meeting at 2:10 p.m.

PARADE PERMIT

Councilmember Cooke moved that the Council approve the request for a parade permit from Laurie Smith for Austin American-Statesman Capitol 10,000 from 10:00 A.M. to 12:00 Noon, Sunday, March 23, 1980, beginning from 15th and Congress, west on 15th (and Enfield) to West 1st Street and right on the 1st Street Bridge, right on Riverside Drive and enter finish area on Auditorium Shores. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Mayor Pro Tem
Himmelblau, Councilmembers Mullen, Trevino

Noes: None

Not in Council Chamber when roll was called: Councilmembers Goodman,
Snell

DISCUSSION OF CABLE CONTRACT

MR. BILL FLANNERY appeared before Council to discuss the renewal of Capital Cable contract. It is his contention there should be a board composed of cable subscribers to settle the question of whether or not to renew the City's franchise with Capital Cable. Doing it this way would cut down on large expenditures. He also advised Council to look at the competitive methods of receiving television and cited the advances of the future.

AIRPORT IMPROVEMENT BONDS

MR. HOWARD M. SIMMONS appeared before Council to discuss airport improvement bonds on the February 23, 1980, Bond Election. He said he has written a letter to Bergstrom Air Force Base asking for a statement of purpose of their east/west runway. He requested Council to put the airport issue on the bond election. Mayor McClellan thanked him for his report and research and said the matter of the airport is a dilemma which is yet to be solved.

HEALTH SERVICES

Mayor Pro Tem Himmelblau introduced an item to Council for their consideration. It was the adoption of a policy that City tax dollars will not be used to reimburse a non-city facility for health services that can be provided at a City facility.

Motion

Mayor Pro Tem Himmelblau moved that the Council adopt the following resolution:

WHEREAS, the City of Austin's Brackenridge Hospital has the capability and the necessary facilities to provide proper neo-natal care for its own patient population; and,

WHEREAS, however, such neo-natal care facilities are limited and the number of infants who can receive neo-natal care at any one time is finite; and,

WHEREAS, on certain occasions there may be infants of Medical Assistance Program patients who cannot receive neo-natal care because such neo-natal facilities are at maximum service capacity; and,

WHEREAS, other health service providers have neo-natal care facilities which could be utilized on such occasions; and,

WHEREAS, Austin area hospitals, in a cooperative spirit and in the best interest of patient care, routinely transfer patients with physician approval as the need arises, from an admitting facility to a receiving facility without consideration for financial sponsorship by the transferring facility; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City of Austin does hereby adopt a policy that the neo-natal care facilities of Brackenridge Hospital will at all times be utilized for its own patient population and that the neo-natal care facilities of other health service providers will be utilized only when Brackenridge Hospital's neo-natal care facilities are at maximum capacity, and without reimbursement by the City of Austin.

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmembers Goodman, Trevino

CONTRACT APPROVED

Councilmember Cooke moved that the Council adopt a resolution to approve the following contract:

CULLUM & DICKEHUT
Box 426
Marble Falls, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Southwest Austin Water Transmission
Main Phase A-3 - \$687,815.00
C.I.P. No. 73/22-23

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Mayor McClellan, Councilmember Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

Prior to the vote, MR. ROGER WHITE, in answer to Councilmember Cooke's question, explained: "This is a portion of the South Austin water transmission main that will take water from the Ullrich plant ultimately to the Davis Reservoir. In the 1976 bond election, the portion of the project from the Ullrich Plant to Lamar Boulevard to Loop 360 was authorized. In the current Capital Improvements Program we have a proposal to finish the project and that will be part of the bond election."

Councilmember Cooke asked if this was for extension of the total project, or if it would provide service to people adjacent to the project. Mr. White said this was for a portion of the total project. Some of the project is in the ground now. Councilmember Cooke asked if they would be out of funds when this project is completed. Mr. White said they are just getting started and it is funded to go from the Ullrich plant to approximately Lamar and Loop 360. From there it will cross Lamar and go down Westgate Boulevard.

ITEM PULLED FROM AGENDA

An item from Council, submitted by Councilmember Cooke, concerning the recommendation of Arts Commissions for funding of Ballet Folklorico de Austin, was pulled from the agenda.

ALLEY PAVING PROGRAM

Mr. John German, Director of Public Works, presented the proposed Alley Paving Program to Council:

"Prior to the City of Austin providing permanent alley paving, a majority of the abutting property owners must declare a desire to have an alley paved by providing a petition directed to the Director of Public Works. The City shall participate in alley paving and financing in accordance with the following provisions.

1. For alleys adjacent to residential development, the City will pay 1/2 (50%) of the cost of paving, with adjacent property owners paying the other 1/2 (50%).
2. For alleys adjacent to non-residential or commercial developments, the City will pay 1/3 (33%) of the cost, with adjacent property owners paying the other 2/3 (66%).
3. The cost will be based on an estimate which will be provided by the Street and Bridge Division upon request. Construction will be performed by Street and Bridge Division crews, or by sub-contractors under the direction of Public Works Department personnel.
4. The City will not pave the alley until all of the property owners' share is paid. The City will not assess property owners who do not wish to participate, and will not pave only a portion of an alley. The property owners' cost can be paid by one individual or by all property owners on a pro-rata basis or any other agreed to financing method.
5. Paving will consist of either hot mix asphaltic concrete, penetration paving, or concrete as determined by the Director of Public Works. However, the cost of participation will be determined based upon the cost of hot mix asphaltic concrete material.

6. Paving will be accomplished within 60 days after receipt of the property owners' share of the cost.
7. City participation will be limited to the funds available. Work may be delayed until funds become available. If a waiting list occurs, priorities will be established by the Director of Public Works.

Council instructed the City Manager to bring back a resolution next week, January 10, 1980, on the proposed alley paving program.

FUNDS FOR REFURBISHING AUSTIN/TRAVIS COUNTY COLLECTION

Mayor McClellan reminded Council that they had requested the City Manager to report on available funds for refurbishment of Austin/Travis County Collection. Ms. Lee Thomson, Acting Budget Director, reported to Council, "We have gone back through prior GRS entitlement and found the sum of \$46,112.87. This is from some Capital Improvement Program (CIP) money in earlier entitlement years. This would deplete what we have now, but there are a couple more projects that may close out this year." Councilmember Trevino said, "But for the time being this wipes out all Revenue Sharing funds, and if we had a worthwhile project then we would have to wait. ... We've had some other projects and have had to discuss amending the budget and there has been some reluctance by some of the Councilmembers. I've never had any problems amending the budget when necessary, I just want us to be aware that we will be utilizing all of these monies as far as revenue sharing is concerned so if anyone wants any additional monies for whatever project, there is only one other source available." Mayor McClellan pointed out that the money for refurbishment will take an amendment to the budget to be made available, but that it will be used for the minimum necessity of re-roofing and climate control. She said this would mean the City will not have to raise money through a bond issue. The City will be committing \$50,000 and the citizens will raise both dollars and talents. The Mayor said she would like this to be brought back next week for action in the form of an ordinance. Mayor Pro Tem Himmelblau said she is glad to hear this money will come from a CIP which has been closed out.

CABLE TELEVISION - CONSULTANT RECOMMENDATION

Mr. Daron Butler, Assistant City Manager, reported, "The City Manager instructed Mr. Harris and myself to prepare a report on Cable Television - Consultant Recommendation. The recommendation is to authorize the City staff to contract with Cable Television Information Center as our primary consultants in the provision of service to review the status performance of our existing contract for cable television service and to assist the City to prepare a contract for the provision of future services if that be the Council's direction at that point. ... The secondary recommendation is that the City Manager be allowed to retain two law professors who are with the New York Law School and who have their communications law center, Mr. Michael Botine and Mr. David Rice, on an hourly or as needed basis to review any legal documents that might be developed by consultants or a combination of consultant and City legal

staff work. As we prepared this material we discovered that not only is Cable Television a rapidly changing medium of communication, communication law itself is changing very rapidly and these two individuals, according to Mr. Harris, can provide us with the best service in terms of reviewing any legal documents and contracts. We request, if you accept this, that you give us the authority to proceed with entering into a contract with Cable Information Center and enter into a contractual relationship with Mr. Botine and Mr. Rice and get this study under way."

Mayor McClellan suggested this be brought back next week for whatever action Council wishes. Councilmember Cooke said he would like to see a franchise rather than a contract.

Mr. Albert De La Rosa said the City has used the contract route with Capital Cable; that began in 1963, but in subsequent years this type of agreement has been referred to as a franchise. He said these terms are set under the City Charter and will create no problem.

Councilmember Goodman said he thought it would be important for Council to meet in a work session after the consultant is hired for an education on the state of the art of television. He said he thought all members of the Council need this review.

Councilmember Cooke stated, "I guess we want to bring this back next week and accepting this is paramount to saying who we are going with and I want to make it clear for the record today that I am not necessarily concurring with the staff's recommendation at this time. If we want to bring it back for action next week, that's fine. I don't want this brought back next week with a contract for this particular firm because I will probably vote against it." Mayor McClellan said her suggestion is to bring this back so Council can take whatever action it pleases next week without any prior commitment.

1978-79 FINANCIAL ACTIVITY REPORT

Mr. Monty Nitcholas, Director of Finance, presented the 1978-79 Financial Activity Report. (COPY IS ON FILE IN THE CITY CLERK'S OFFICE.) He pointed out to Council the report is unaudited figures and also that it doesn't propose to be the annual financial report as far as condition or financial position of the City. "What it is is a view of the revenues and expenditures and the operating portion of the City government as they compare with the original budget and to look at how we did revenue expenditure wise for the year. So they are subject to change. I don't expect there to be any major changes at all in the figures. Overall, the expenditure requirements during the year were \$309.4 million. That's all the operating funds."

Councilmember Cooke said, "I know that when we contemplated the budget last year it was in the range of \$294-298 million. Then we had a mid-year amendment to the budget, and you're saying that mid-year amendment brought it to \$309 million. So all funds spent \$309 million last year?" Mr. Nitcholas said this is correct, "that's \$7.2-million more than we originally approved in the original budget document." Councilmember Cooke said, "I think it's important for Council to be cognizant of that. Sometimes we start out with a budget...this year we're talking \$347-million and next year at this time...the

reason I'm bringing this up is because sometimes the public gets in its mind, and everything you see speaks to the original budget that we approved and nobody ever pays too much attention to what the final number is after you get to the end and I think it is important that be highlighted." Mr. Nitcholas pointed out, "One of the reasons we were able to do this is because revenues were up \$10.8-million over what that original budget was. So the revenues for the year over all were \$296.1-million dollars. This is summarized on Page 9 of the report. That means that the funds to be provided from the beginning balances that we had from the previous year, were \$13.3-million and we had budgeted \$16.9-million which is \$3.6-million less than what we originally had anticipated prior to last year. What this does, it results in the ending balances for this year totally \$11.5-million and that compares very close to what the beginning balances in this year's budget were. The beginning balances for the 1979-80 budget were about \$11.8-million and that's what was the estimate and they came in about \$11.5-million for the end of the year. So, overall, when we look at the entire operation we're in about the same position we anticipated we would be in to start 1979-80. ... Depending on what we do with the utility fund transfer and the recommendation we have made to you, if that transfer is reduced from \$19.3 to \$17.3-million, which we have recommended from the utility fund to the general fund that would produce a general fund ending available balance or beginning balance of the year we are in now, of \$6.9-million."

Mayor Pro Tem Himmelblau said, "That's healthy, but with this drawing less from the Utility Fund with the new water rates we adopted will the Water and Wastewater carry its own?" Mr. Nitcholas said since they haven't had any experience he does not know. He continued, "The problem I have with the \$19.3-million transfer is that in the utility fund that would reduce that ending available balance to \$1.5-million and if that balance is \$1.5-million at the end of 1978-79 we anticipate it to be \$3.5-million in the budget and we anticipated the end of the year budget for 1979-80 to be half a million dollars. If we start with a 1.5 instead of a 3.5 we end up with a negative figure." (The utility fund transfer reduction which Mr. Nitcholas refers to is outlined in the following memo:)

"I would like to point out one critical area which should be addressed by management and the City Council. The Utility Fund, as we suspected in August, did not meet the estimates included in the 79-80 budget document. The available balance anticipated to be carried forward to 1979-80 was estimated at \$3,613,274 with 79-80 activity bringing it to \$558,179 at year end. That carry forward balance is actually \$1,514,043, some \$2,099,231 short of budget anticipation, which would place the budget in a \$1,514,052 deficit position.

"The recommended solution is a reduction of \$2,000,000 in the 1978-79 Utility Transfer to the General Fund, from \$19,330,000 to \$17,330,000. This would bring the 1978-79 ending balance to \$3,514,043 and the budgeted 1979-80 ending balance to \$458,948.

"Since the General Fund, shown on page 13 of the report, actually fared better than was anticipated, the transfer reduction would not be critical. The 1979-80 budget document anticipated the ending balance of the General Fund at \$7,395,031. With the \$19,330,000 transfer, the actual ending balance is \$8,915,648. A \$2,000,000 reduction in the transfer amount would reduce that balance to be carried into 1979-80 to \$6,915,648 and change the anticipated ending balance of 1979-80 by only \$479,383 to \$4,282,406.

"I recommend the transfer reduction in that it will place both the General Fund and the Utility Fund in a situation very similar to that reflected in the 1979-80 budget."

Councilmember Cooke said, "Looking at the total receipts of this last year for the utility fund and if Council elects to reduce that by two million dollars, then I'm very interested in knowing because this not only is a policy position, it's going to, or should have some effect on the Council deliberations of the new electric rate. As we deliberated this last budget we talked in terms of transferring \$23,000,000. If you looked at last year and this year and saw that we were in the 10-11% range as investors to Austin citizens, the total revenue this year is going to be over \$2,000,000. That seemed to be a very realistic thing. What I'm at issue here is some of the things that Rep. Hill suggested and some of the things that were happening at the Legislature last session. If we drop back to \$17,000,000 won't that cut our percentage back even though we took in less revenue and what I'm trying to get at is what our percentage transfer will be of total revenues at the \$2-million loss and then compare that to the \$23-million and then what Gerald Hill might be talking about might have more validity, because we might be increasing our percentage."

Daron Butler, Assistant City Manager, said he would like to put the figures on paper and respond in writing. In effect the recommendation to reduce the transfer from \$19,000,000 to \$17,000,000 for FY 78-79 is in essence saying let's not transfer any water revenues because that's the area in which we had the greatest revenue short-fall. So the percentage relationship in electric transfer to electric revenue would have to be looked at. Mr. Butler said he would like to put the figures to paper and report on it.

EXECUTIVE SESSION

Mayor McClellan announced, at 3:00 p.m. that Council will convene in a closed or executive session authorized by Section 2, Paragraphs (e), (f) and (g) of Article 6252-17, Texas Revised Civil Statutes Annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

RECESS

Council recessed its regular meeting at 3:00 P.M. and resumed the recessed meeting at 6:14 P.M.

PUBLIC HEARING - SPECIAL PERMIT TO SUNDOWNERS CLUB

Mayor McClellan opened the public hearing scheduled for 6:00 P.M. on an appeal from JEAN MATHER, representing South River City Citizens Neighborhood Association, of the decision of the Planning Commission granting a special permit to Sundowners Club, Permit No. C14p-79-062. Ms. Mather appeared before Council to review the permit.

CHUCK ROSSMAN, 803 East Riverside Drive, representing South River City Citizens, said they are opposed to operation of the Sundowners Club because it will create more traffic on Riverside Drive. The club will seat 247 people. He asked Council to reject the request for a Special Permit. He cited the number of accidents which have occurred on Riverside Drive and the fact there are already several clubs on the drive.

GREG JOHNSON, representing Byrum Properties, said the Sundowners Club would be a well-planned \$600,000 building with plenty of parking area. He spoke of the neighbors' concern for increased traffic and cited the fact that a majority of accidents which have occurred in the area do not happen during the hours when the club will be in operation. He told Council he has a petition with 29 signatures of people supporting the club.

SAM PERRY, attorney representing Mr. Byrum, discussed the parking situation for the club. He discussed the use of the Texas Railroad Commission lot after business hours for the Commission.

BARBARA CILLEY appeared and thought the club's construction would cause a lot more cars to drive on Riverside.

Jean Mather summarized by saying that TRC cannot give oral or written consent to parking, and that any benefit to the City by increased revenue from the Sundowners Club would be outweighed by the increase in traffic.

Councilmember Cooke commented that the corner for the proposed club is not the heaviest accident corner and he would have a hard time justifying the denial of the permit.

Councilmember Mullen moved that the Council close the public hearing and grant the Special Permit to the Sundowners Club, Permit No. C14p-79-062. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmember
Cooke, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell
Noes: Councilmember Goodman

CITY ATTORNEY'S FILING

Councilmember Mullen moved that the Council adopt a resolution approving the City Attorney's defense, filing and/or prosecution of Cause No. 298,042, in the 200th Judicial District Court of Travis County, Texas (Travis County v. The City of Austin and the Austin Independent School District), Cause No. 300,281, in the 200th Judicial District Court of Travis County, Texas (City of Austin v. Buck Wood, et al.), and approving the City Attorney's filing prosecution and/or defense of any lawsuits related to said causes. The motion, seconded by Councilmember Snell, carried by the following vote:

BOARD AND COMMISSION APPOINTMENTS

Councilmember Mullen moved that the Council make the following Board and Commission appointments:

Employee's Retirement Board

Mrs. William Gardner to expire July 15, 1981

On-Going of Goals Assembly Committee

Joel Bennett - Zone 2

Construction Advisory Committee

Ira Crofford all three reappointed
James Wise
Royce Faulkner

Urban Transportation Commission

George Human all three reappointed to expire January 1, 1982
Sally Wittliff
James Bowen

Hospital Board

William Summers all three reappointed to expire July 1, 1981
John Tolleson
David Warner

Commission on the Status of Women

Ann Crawford to expire June 30, 1980

Electrical Board

M. B. Denton - reappointment all three to expire December 1, 1981
H. W. Zuch - reappointment
Stanley Bland - new appointment

Vending Commission

Iris Sanchez to expire June 1, 1981

Heating, Air-Conditioning and Refrigeration Appeals Board

Mike Chang - reappointment to expire June 1, 1982

MH/MR Public Responsibility Committee

Linda Quick
Michael Churgin
Charles Shepherd

all three reappointed to expire January 1, 1981

Citizen's Traffic Safety Commission

John Gray
Bill Nolen
Jack Young
Douglass Nichols

all four reappointments to expire January 1, 1982

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro
Tem Himmelblau, Councilmember Mullen

Noes: None

Not in Council Chamber when roll was called: Councilmembers Snell,
Trevino

Future Appointments

Mayor McClellan announced the following board and commission appointments will be made on January 10, 1980:

On-Going of Goals Assembly Committee - Zone 4

Manpower Advisory Planning Council - 11

MH/MR - either 2 or 4 (?)

Electric Utility Commission - 3

Human Relations Commission - restructure/reduce size

Library Commission - restructure/reduce size

Board of Adjustment - 5

EMS Quality Assurance Team - 5

Heating, Air-Conditioning and Refrigeration Appeals Board - 1

In addition one appointment should be announced for February 7, 1980:

Energy Conservation Commission - 1 to expire July 1, 1980

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

BARTON CREEK WATERSHED DEVELOPMENT CONTROLS

Mayor McClellan opened the public hearing scheduled for 6:30 p.m. on development controls for land within the Barton Creek Watershed.

Dr. Maureen McReynolds, Director, Environmental Resource Management, introduced MR. DUKE ALTMAN, Espey, Houston & Associates, Inc., who reviewed briefly the work done on the Barton Creek watershed by his firm. Phase I, which was completed last summer, dealt primarily with basic data involved in some analysis and techniques used to describe the hydrologic regime in the watershed, water quality, ecology, geohydrology and archeology. Phase II covered additional technical work on those same areas and some institutional, legal and economic studies. The ordinance which was developed at the end of the studies was built around the studies performed in both phases and the following goals and objectives:

1. Recreation - Barton Springs Pool
2. Recreation - Barton Creek and Tributaries
3. Domestic Raw Water Supply
4. Cultural Resources
5. Aquatic Life-Mortality, Population Reduction/Redistribution
6. Wildlife/Terrestrial Organisms Water Supply
7. Wildlife Habitat Food Supply and Corridors
8. Plant Water Supply

In Phase II, several meetings were held with the Barton Creek Task Force to exchange ideas and receive input. Relevant cost information was developed in conjunction with the proposed development controls ordinance.

Two main areas were covered in the proposed ordinance:

1. Barton Creek and its tributaries and the ecological elements within them.
2. Edwards Aquifer, which supplies Barton Springs, and how it is effected by the Barton Creek Watershed.

Basic concepts of the ordinance relied on the ability of the land to accommodate development in different amounts or intensities in different parts of the watershed. Some of the criteria in the ordinance applied to the entire watershed within the City limits and the ETJ (Extraterritorial Jurisdiction) limits while other criteria deal basically with the three zones within the watershed. Mr. Altman pointed out the three zones on a map of the watershed.

Dr. McReynolds stated that Environmental Resource Management, Planning, Engineering, Public Works, Research and Budget, Parks, and Water and Wastewater Departments had reviewed the proposed ordinance. The consensus was that in the absence of a comprehensive growth management plan specifically for Barton Creek

the concept of having three water quality zones with varying degrees of development was a very workable concept. Some refinements to the proposed ordinance were being prepared by the Legal Department. Experience gained from implementing the Lake Austin interim controls ordinance should facilitate implementation of certain similar aspects of the Barton Creek ordinance. In addition, the consultants had made several recommendations which the Council might want to consider in their significant findings. Many of the recommendations would require additional staff work and fiscal considerations. Dr. McReynolds suggested that if the Council wished to implement any of the recommendations that the staff be asked to come back with a report specifically on what resources would be involved.

In addition, Dr. McReynolds recommended that the staff be asked to develop an ordinance dealing with site development permits for non-subdivided land similar to the companion ordinance in the Lake Austin watershed and to work with the Planning Commission to develop a zoning district for Barton Creek that would incorporate such standards. She also recommended that the staff be directed to work with the Planning Commission and Environmental Board and appropriate City departments to develop an overall growth management plan for Barton Creek which would delineate required infrastructures, such as streets, sewer and water to serve the area.

Dr. McReynolds felt that the ordinance with some additional modifications could be implemented if the Council chose to when the moratorium expired.

NEAL GRAHAM, Chairman, Barton Creek Task Force, presented the final report for the Task Force. He stated that the Council had the following options open to protect the Barton Creek area prior to expiration of the moratorium on January 17th:

1. The City Council could take the Espey Houston draft ordinance, and make minor modifications to include language which was more specific and enforceable as determined by the Legal Department.
2. The City Council could make major alterations to the proposed ordinance such as modifying the widths of and densities allowed in the proposed water quality zones or substituting specific structural controls for some of the proposed performance standards.

Mr. Graham stated that even if the Council adopted an ordinance before expiration of the moratorium, the following items should be considered in addition to adoption of a single ordinance:

1. Request from the Texas Department of Water Resources an aquifer protection order for the Edwards Aquifer which feeds Barton Springs.
2. Request specific stream standards for Barton Creek and all creeks which cross the Edwards Recharge Zone.
3. Annex an appropriately sized strip along the creek corridor and its major tributaries to gain more control over development.
4. Through State legislation, declare an Underground Water District similar to the one in San Antonio.

Finally, Mr. Graham felt that the Council should make a good faith effort to acquire as much greenbelt as necessary to insure protection of Barton Creek and Barton Springs for the future.

Councilmember Mullen asked Mr. Graham if he would vote for the proposed ordinance at this time. Mr. Graham replied negatively, stating that he did not think it went far enough to protect water quality of Barton Springs and that enough time had not been available to research all of the possibilities thoroughly.

In response to Councilmember Snell's question, Mr. Graham stated that the two members who did not sign the Report did not have time to read it.

GIBSON RANDLE, member, Barton Creek Task Force, stated that he tried to perform three broad responsibilities while serving on the Task Force:

1. To consider the effect of development controls upon lands and landowners in the Watershed.
2. To consider the public viewpoint for balancing protection of the area against cost to the community and obligations on the City government as a result of development controls.
3. To consider various legal aspects of the proposed controls.

Mr. Randle commented that State law placed exclusive control with the Texas Water Quality Board under Chapter 6 of the Texas Water Code as to water quality and urban runoff expressly. Therefore, development standards imposed by the City might have questionable validity.

Mr. Randle further stated that since the proposed ordinance applied only to Barton Creek and not to other creeks, it was on thin legal ice as being discriminatory. The proposed ordinance would prohibit and then severely limit development within a strip which comprised a high percentage of certain tracts. Smaller tracts with limited depth could have a vast percentage of its area taken. In adopting rules to implement the ordinance, Mr. Randle felt that the Council should fix rigid timetables and have early public hearings on the proposed rules and regulations.

Mr. Randle commented on the Espey, Houston Report by saying that it could be divided into two parts: 1) unquestioned facts and 2) professional opinions or value judgements. He questioned the names given to the three zones defined in the Report. Regarding the amount of land the Report recommended that the City buy, Mr. Randle stated that the conservative price tag would be \$30 million. He felt that the Council had a serious responsibility in making a far-reaching decision on whether the land cost was a price which the community should be asked to pay. There was also a time factor to be considered.

Mr. Randle felt that the Council should proceed full steam ahead to acquire land in the 100-year flood plain and conservation easements in connection with it and should limit the critical water quality zone to that area. Proper controls outside that area could be accomplished by a reasonable setback from that line, particularly where bluffs occurred and by dealing with tributaries.

7. Protect landowners by either paying for or avoiding confiscation of unreasonable portions of their lands.

DAVID ARMBRUST, member Barton Creek Task Force, did not favor an extension of the Barton Creek Watershed moratorium. He felt that the Task Force had had sufficient time to evaluate and have input into the Espey, Houston recommendations. Two more weeks would allow enough time to fine tune those recommendations into a workable set of development standards.

Mr. Armbrust felt that the Espey Houston proposal would have a substantial impact on the development of a tract of land. Referring to a 4,000-acre tract of land where he represented the owners, Mr. Armbrust stated that over 25% of the property was included in the first two water quality zones. He agreed with the concept of the report and felt that the performance standard approach should be followed. That approach would encourage innovative development techniques and ideas. However, the proposal was too restrictive--even more so than the Lake Austin standards. The primary issue in Barton Creek was recreation, not protection of the City's water supply. The first two zones were much too severe when combined with the impact of the third zone. He preferred an easing of restrictions in the upland zone, perhaps with no restrictions.

In summary, Mr. Armbrust felt that the Espey, Houston proposal was a workable concept, a good first start, but needs a great deal of fine tuning. It should be examined with respect to its overall impact and lessened in its severity, possibly in the uplands area away from the Creek.

Councilmember Mullen asked Mr. Armbrust how he balanced his position with a desire to pass the ordinance in two weeks. He felt that there was no need to rush passage of the ordinance. Mr. Armbrust responded that the ordinance was a workable first step that could be implemented with a continuing program to see if it would work. Councilmember Cooke commented that there was no assurance on what type of ordinance would work. Councilmember Goodman felt that the City would minimize the possibility of risk by carefully reviewing all of the information before adopting an ordinance.

KEN MANNING, member of the Barton Creek Task Force, commented on the Espey, Houston Report and felt that the proposed ordinance did not protect the resources within the watershed and did not accomplish what was desired. He felt that there were many shortcomings in the ordinance as drafted, and that the moratorium should be extended so as to clean up the proposed Ordinance. After that time, the Environmental Board, Planning Commission and others come up with a comprehensive and acceptable ordinance which would protect Barton Creek and Barton Springs.

Councilmember Cooke asked Mr. Manning to clarify his position. Mr. Manning stated that what he proposed was to adopt the Espey, Houston ordinance on an interim basis within the next 90 days and extend the moratorium until such adoption. Then in 4 to 6 months a revised ordinance which would depart from the refined Espey, Houston ordinance would be developed and implemented. He did not want the revision to be drawn out more than 4 to 6 months.

SETH SEARCY, member, Barton Creek Task Force, did not comment on the proposed ordinance, but elaborated on Phase II of the Espey, Houston Report. He felt that means should be developed for additional protection of the Barton

Concerning the tributaries, Mr. Randle felt that they should be protected but the question was how. He suggested that any sanitary sewer line or storm sewer line placed in a tributary require restoration of the area. Any street in or across a tributary should be designed and constructed so as to let a flow of surface water follow natural lines. Tributaries should be planned as greenbelts, but it was arbitrary and unrealistic to acquire 200 feet of land on each side of a tributary. He suggested using a contour line principle, rather than a straight line technique or else use an area or quantity approach so that there would be some adjustment on each side of the center of the tributary. The same problem occurred regarding the arbitrary widths of the other two zones.

Speaking now as a representative of landowners in the watershed, Mr. Randle said that if the Council adopted the Espey, Houston Report as to the critical water zone, including strips of 400 feet and 300 feet, then the effect on specific tracts should be considered. Referring to a map prepared by Mr. Hoyle Osborne, Mr. Randle pointed out four tracts and indicated that the following percentages of those tracts would be taken from the owners under the proposed ordinance:

<u>Size of Tract</u>	<u>400' Zone</u>	<u>300' Zone</u>	<u>Total Land Taken</u>
90 acres	11.7%	13.5%	25.2%
151 acres	24.0%	18.0%	42.0%
8.25 acres	46.8%	26.7%	73.5%
1400 acres	19.5%	18.2%	37.7%

Speaking once again as a member of the Task Force, Mr. Randle pointed out that the Espey, Houston Report stated that it did not examine the economic effect on land development costs or lot costs except to mention large developments with lots of one to three acres. Larger lot costs and more expensive homes would result. Large lot development would extend urban sprawl and would also cause a serious school bussing impact.

In summary, Mr. Randle made the following points:

1. Due to the presence of fecal coliform after heavy rains, the City should prohibit anyone from entering the water during such times.
2. Consider the Espey, Houston finding that even intense urban development would not endanger the City's water supply.
3. Move positively now to provide sanitary sewer systems, particularly in the recharge area so as to ensure environmental protection.
4. Keep in mind that low density housing requirements increase the cost of City servicing, cost of homes, tend toward urban sprawl and put a strain on school bussing.
5. Proceed to acquire the 100-year flood plain greenbelt now.
6. Protect reasonable portions of the tributaries by acquiring conservation easements.

Springs aquifer, 70 percent of which was outside the Barton Springs Watershed. Inter-governmental cooperation should be explored with Travis and Hays Counties. Going to the next session of the Texas Legislature asking for creation of an underground water conservation district should also be explored. As soon as possible, the City should petition the Texas Department of Water Resources to set stream standards in Barton Creek and four streams to the southwest and promulgate a regulation for ground water in the aquifer as well. An accelerated land acquisition program should be considered after a workable ordinance was adopted and during the 4 to 6 month period following. During the short run, all of the various City plans and policies should be coordinated with a comprehensive growth management plan for Barton Creek and the recharge aquifer.

Mr. Searcy said that the City's dedication and taxation policies should be examined to provide incentives to landowners who were willing to preserve their land for agricultural uses, to conserve open space, preserve wildlife and so on.

Regarding the City's renewal of its contract with the U.S. Geological Service and expansion of water quality monitoring in the watershed and recharge aquifer, Mr. Searcy felt that the plan probably did not go far enough and that more water quality monitoring was necessary. The matter should be explored in Phase II.

In conclusion, Mr. Searcy felt that an administrative mechanism needed to be devised for continuous review and revision, not only of the ordinances, but also of the plan.

GWEN SEDERHOLM, member, Barton Creek Task Force, asked for an extension of the moratorium since a lot of work remained to be done.

MARY ARNOLD, member, Parks and Recreation Board, stated that the Board had not had time to consider the Espey, Huston Report or the draft ordinances. She made the following personal observations:

1. More water quality sampling was needed.
2. Expressed concern for the types of activities and developments outlined for the critical water quality zone.
3. Recreational needs in the area were not addressed in the draft ordinances. The greenbelt in the critical water quality zone should not be expected to meet all of the recreational needs for people brought in by development in the Barton Creek Watershed.

Motion

Councilmember Mullen moved that the Council instruct the Task Force to continue to meet with Espey, Huston and staff to develop a feasible ordinance; continue the public hearing until January 31, 1980; hold a final public hearing on February 21, 1980 and take final action on March 6, 1980. Councilmember Goodman seconded the motion.

Friendly Amendment - Accepted

Mayor McClellan offered a friendly amendment that the public hearing be set for 6:00 p.m. Councilmember Mullen accepted the friendly amendment.

Mayor McClellan stated that an ordinance needed to be on next week's agenda to extend the moratorium.

Councilmember Cooke asked the City Attorney to advise the Council with regard to another extension of 7 weeks.

City Attorney Harris stated that based on a knowledge of some cases, it was felt that 6 months was a reasonable time period and reasonable moratorium based on the task before the Council. Regarding an extension, it was his opinion an extension which was close to the original extension was highly questionable. However, he felt that a 7-weeks extension was reasonable under the circumstances.

Mayor McClellan asked that information on the contractual status with Espey, Huston and whatever was appropriate for action be placed on next week's agenda for action.

Councilmember Mullen stated for the record that if on January 31, 1980, the Council had a draft ordinance with which they felt comfortable, then the Council should move as quickly as possible and not be locked in to the March 6, 1980, date. The ordinance should be passed as soon as it looked feasible.

Mayor McClellan then opened up the discussion to the audience.

CHUCK PHILLIPS, Farm and Home Savings Association, which owned Travis Country, stated that as a banker, he could assure them that no development money would be forthcoming to start any development on an "iffy" interim adopted ordinance.

Councilmember Cooke said that maybe the discussion between him and Mr. Manning was not clear, but he was trying to get some very definitive information that if and when the Council adopted an ordinance (on the Barton Creek Watershed) within 90 days, that would set in motion the process of development in the watershed under standards set forth in the ordinance.

Mayor McClellan pointed out that usually the Council consistently grandfathered matters which were already in the pipeline.

Roll Call on Motion

Roll call on Councilmember Mullen's motion, Councilmember Goodman's second, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino

Noes: None

DOROTHY RICHTER stated that what disturbed her was that the thrust of the ordinance and people's thinking was for development and not toward preserving the water.

BARBARA CILLEY stated that she would like to see specific recommendations which would balance public and private concerns which were delineated tonight. She thought that the Council should tell the Barton Creek Task Force specifically what the Council wanted to see come out of the Task Force.

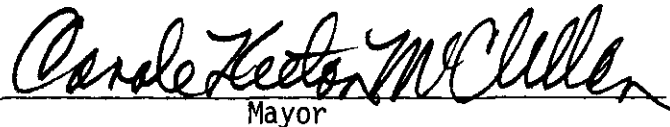
Mayor McClellan disagreed and stated that the Council welcomed and solicited recommendations from boards and commissions.

BILL OLIVER sang a song about Barton Springs Eternal.


ADJOURNMENT

The Council adjourned at 8:50 p.m.

APPROVED


Mayor

ATTEST:


City Clerk